

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT SANGO, #252200

Plaintiff,

Case No. 08-12709

v.

District Judge Arthur J. Tarnow
Magistrate Judge Mona K. Majzoub

MATT HARPST and J. EATON,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION [12],
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT [9], and
DENYING PLAINTIFF'S MOTION TO APPOINT COUNSEL [13]**

This is a prisoner civil rights action in which Plaintiff complains that, in retaliation for Plaintiff's prior litigation, Defendant Harpst denied Plaintiff a prison job and Defendant Eaton frustrated Plaintiff's attempt to file a related administrative grievance.

Before the Court is the Magistrate Judge's Report and Recommendation [12], filed October 2, 2008, regarding Defendants' Motion for Summary Judgment [9]. The Magistrate found that, at the time of Defendants' alleged misconduct, Defendants did not know and could not have known of Plaintiff's prior litigation because they were not named as defendants to that action, and because the earlier suit was dismissed before service of the complaint on any named defendant. The Magistrate therefore concluded that Plaintiff's Complaint [1], which "clearly alleges retaliation only because of his filing of his civil action in federal court," failed to establish a fact issue on the causation element of the prima facie case for retaliation.

By the October 20, 2008, deadline, Plaintiff had filed no objections to the Report and Recommendation. On October 23, 2008, Plaintiff did file a Motion to Appoint Counsel [13], in which Plaintiff requested pro bono representation in the event that this action were to survive summary judgment.

The Court has reviewed the record, the pleadings, and the Magistrate Judge's Report and Recommendation. The Plaintiff having filed no objection, and the Court being fully advised in the

premises,

IT IS HEREBY ORDERED that the Report and Recommendation of Magistrate Judge Majzoub [12] is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment [9] is **GRANTED** and this action **DISMISSED**.

Finally, because the dismissal of the action moots Plaintiff's request for pro bono representation, **IT IS ORDERED** that Plaintiff's Motion to Appoint Counsel [13] is **DENIED**.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow

United States District Judge

Dated: November 14, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 14, 2008, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager